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EXAMINER
DAO, THUY CHAN

ART UNIT	PAPER NUMBER
2192	

MAIL DATE	DELIVERY MODE
10/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE __03__ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _07 August 2007_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-24_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-24_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _20 April 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the amendment filed on August 7, 2007.

2. Claims 1-24 have been examined.

Response to Amendments

3. Per Applicant's request, claims 1, 6, 8, 9, 14, 16-18, 22, and 24 have been amended.

4. The objection to the specification is withdrawn in view of Applicant's amendments.

Response to Arguments

5. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections – 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 9-16 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,606,298 to Foltak (art made of record, hereinafter "Foltak").

Claim 9:

Foltak discloses *a method of maintaining software on a communication network access device, said method comprising:*

first storing a first device management software in a memory in said device (e.g., FIG. 2, col.7: 27 – col.8: 60);

periodically checking availability of a second device management software (e.g., col.5: 52 – col.6: 5; col.12: 58 – col.13: 67); *and*

automatically loading the second device management software through said network for replacing said first software (e.g., FIG. 4a-b, col.10: 33 – col.12: 57)

such that the device is self-maintaining (e.g., col.4: 16-44; col.8: 42-60).

Claim 10:

The rejection of claim 9 is incorporated. Foltak also discloses *inputting upgrade data to a server from a computer, said data for installing and storing said second device management software in said server* (e.g., FIG. 3, col.8: 61 – col.10: 32).

Claim 11:

The rejection of claim 10 is incorporated. Foltak also discloses *checking a version of said second software, and wherein said loading is performed if said second software is a different version from said first software* (e.g., FIG. 5, col.15: 1-62).

Claim 12:

The rejection of claim 11 is incorporated. Foltak also discloses *first authenticating an identity of said server to said device* (e.g., col.7: 27 – col.8: 60).

Claim 13:

The rejection of claim 12 is incorporated. Foltak also discloses *second authenticating an identity of said device to said server* (e.g., col.5: 52 – col.6: 5; col.8: 42-60).

Claim 14:

The rejection of claim 11 is incorporated. Foltak also discloses *automatically performing said checking and said loading at a predetermined time without manual maintenance from a user* (e.g., col.10: 33 – col.12: 57).

Claim 15:

The rejection of claim 14 is incorporated. Foltak also discloses *stopping an acceptance of a new connection prior to said loading* (e.g., col.8: 61 – col.10: 32).

Claim 16:

The rejection of claim 9 is incorporated. Foltak also discloses *automatically performing said loading at a predetermined time without manual maintenance from a user* (e.g., col.4: 16-44; col.5: 52 – col.6: 5).

Claim Rejections – 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 1-8 and 17-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foltak in view of US Patent No. 6,151,628 to Xu et al. (art made of record, hereinafter "Xu").

Claim 1:

Foltak discloses *a system for software maintenance of a network access device, said system comprising:*

an access point device for making a wireless connection between a mobile computer and a communications network (e.g., FIG. 2, col.7: 27 – col.8: 60), *said device including*

a memory of software containing first device management software for providing a device management function (e.g., FIG. 3, col.8: 61 – col.10: 32; col.5: 52 – col.6: 5); *and*

software loading apparatus for automatically loading second software through said network for replacing said first software (e.g., col.12: 58 – col.13: 67; FIG. 4a-b, col.10: 33 – col.12: 57)

without manual maintenance by a user such that the access point device is self-maintaining (e.g., col.4: 16-44; col.8: 42-60).

Foltak does not explicitly disclose *a wireless connection between a mobile computer and a communications network.*

However, in an analogous art, Xu further discloses *a wireless connection between a mobile computer and a communications network* (e.g., FIG. 2, col.6: 38 – col.7: 56).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Xu's teaching into Foltak's teaching. One would have been motivated to do so to serve not only users dialing in over the public switched telephone network but also wireless users as suggested by Xu (e.g., col.6: 37-54).

Claim 2:

The rejection of claim 1 is incorporated. Foltak also discloses *a server including apparatus for receiving data input from a computer for installation and storing said second software for said loading by said software loading apparatus through said network* (e.g., FIG. 5, col.15: 1-62).

Claim 3:

The rejection of claim 2 is incorporated. Foltak also discloses *version checker apparatus for checking a version of said second software, and wherein said software loading apparatus loads said second software if a version of said second software is different from a version of said first software* (e.g., col.7: 27 – col.8: 60).

Claim 4:

The rejection of claim 3 is incorporated. Foltak also discloses *first authentication apparatus for authenticating an identity of said server to said device* (e.g., col.5: 52 – col.6: 5).

Claim 5:

The rejection of claim 4 is incorporated. Foltak also discloses *second authentication apparatus for authenticating an identity of said device to said server* (e.g., col.12: 58 – col.13: 67; col.8: 42-60).

Claim 6:

The rejection of claim 3 is incorporated. Foltak also discloses *automatic apparatus for automatically performing said checking and said loading at a predetermined time* (e.g., col.5: 52 – col.6: 5; col.8: 61 – col.10: 32).

Claim 7:

The rejection of claim 6 is incorporated. Foltak also discloses *shut-down apparatus for stopping an acceptance of new connections prior to said loading* (e.g., col.7: 27 – col.8: 60; col.12: 58 – col.13: 67).

Claim 8:

The rejection of claim 1 is incorporated. Foltak also discloses *said loading is performed automatically at a predetermined time* (e.g., col.15: 1-62).

Claim 17:

Foltak discloses *a system providing access to a communication network comprising:*

(a) *an access point device for making a connection between a mobile user and a source network* (e.g., FIG. 2, col.7: 27 – col.8: 60), *said access point device including*

*first device management software for providing a device management
function* (e.g., col.5: 52 – col.6: 5; col.12: 58 – col.13: 67);

*access device loading apparatus for loading second device management
software through a network for replacing said first software* (e.g., FIG. 4a-b, col.10: 33 –
col.12: 57)

*without manual maintenance by a user such that the access point device
is self-maintaining* (e.g., col.4; 16-44; col.8: 42-60);

*(b) a mobile user to access the communication network through said
access point device and said source network* (e.g., FIG. 3, col.8: 61 – col.10: 32); *and*

*(c) remote maintenance server apparatus including apparatus for
receiving and storing an upgrade to said first software from a network connected
computer for creation of said second software, and for facilitating said loading in
cooperation with said access point device* (e.g., col.15: 1-62; col.12: 58 – col.13: 67).

Foltak does not expcitly disclose *a wireless connection between a mobile user
and a source network, user authorization server apparatus for authorizing a mobile user
to access the communication network through said access point device and said source
network.*

However, in an analogous art, Xu further discloses:

a wireless connection between a mobile user and a source network (e.g.,
FIG. 2, col.6: 38 – col.7: 56),

*user authorization server apparatus for authorizing a mobile user to
access the communication network through said access point device and said source
network* (e.g., FIG. 1, Authentication Servers 32A-B, col.9: 47 – col.10: 53).

It would have been obvious to a person having ordinary skill in the art at the time
the invention was made to combine Xu's teaching into Foltak's teaching. One would
have been motivated to do so to serve not only users dialing in over the public switched
telephone network but also wireless user as well as determine whether the user is
authorized to access the system as suggested by Xu (e.g., col.6: 37-54; col.9: 48-65;
col.10: 15-53).

Claim 18:

The rejection of claim 17 is incorporated. Xu further discloses *said authorization server apparatus includes*

source network server apparatus including apparatus for receiving a request from said mobile user to access said communication network, and for determining if said mobile user is currently authorized to access the communication network, and for a currently authorized mobile user to allow said authorized mobile user said access, and for an unauthorized mobile user, not to forward said request (e.g., col.6: 38 – col.7: 56);

redirection server apparatus for receiving from said source server said forwarded request by said unauthorized mobile user for communication network access, and for redirecting said request (e.g., col.9: 47 – col.10: 53); and

user authentication server apparatus for receiving said unauthorized user's request from said redirection server, and for authorizing said unauthorized mobile user to access said communication network (e.g., col.6: 38 – col.7: 56); and

gate keeper server apparatus for receiving an authorization from said authentication server and for informing said source network apparatus that said mobile user is to be allowed access to said communication network (e.g., col.9: 47 – col.10: 53).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Xu's teaching into Foltak's teaching. One would have been motivated to do so to as set forth in claim 17 above.

Claim 19:

The rejection of claim 17 is incorporated. Foltak also discloses *said access point device further includes version checker apparatus for checking a version of said second software, and wherein said loading apparatus loads said second software if a version of said second software is different from a version of said first software (e.g., col.7: 27 – col.8: 60).*

Claim 20:

The rejection of claim 19 is incorporated. Foltak also discloses *first authentication apparatus for authenticating an identity of said remote maintenance server to said access point device* (e.g., col.5: 52 – col.6: 5; col.8: 61 – col.10: 32).

Claim 21:

The rejection of claim 20 is incorporated. Foltak also discloses *second authentication apparatus for authenticating an identity of said access point device to said remote maintenance server* (e.g., col.12: 58 – col.13: 67; col.7: 27 – col.8: 60).

Claim 22:

The rejection of claim 19 is incorporated. Foltak also discloses *apparatus for automatically performing said checking and said loading at a predetermined time* (e.g., col.4: 16-44; col.5: 52 – col.6: 5).

Claim 23:

The rejection of claim 22 is incorporated. Foltak also discloses *shut-down apparatus for stopping an acceptance of new connections prior to said loading* (e.g., col.8: 42-60; col.15: 1-62).

Claim 24:

The rejection of claim 17 is incorporated. Foltak also discloses *said loading is performed automatically at a predetermined time* (e.g., col.10: 33 – col.12: 57; col.5: 52 – col.6: 5).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication should be directed to examiner Thuy Dao (Twee), whose telephone is (571) 272 8570. The examiner can normally be reached on every Tuesday, Thursday, and Friday from 6:00AM to 6:00PM.
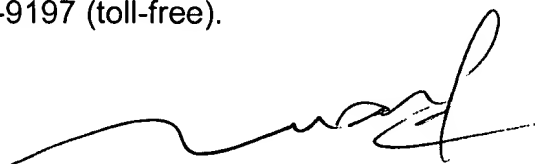
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam, can be reached at (571) 272 3695.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273 8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is (571) 272 2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T. Dao

TUAN DAM
SUPERVISORY PATENT EXAMINER